

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BANK OF THE WEST, a California
Banking Corporation,**

Plaintiff,

vs.

**HOMESTEAD HOMES OF AMERICA,
INC., a Nebraska Corporation,
HOMESTEAD CAPITAL COMPANY,
INC., a Nebraska Corporation,
HERITAGE HOMES OF NEBRASKA,
INC., a Nebraska Corporation,
HERITAGE MANUFACTURING, INC., a
Delaware Corporation, LINCOLN
FINANCIAL, INC., a Nebraska
Corporation, RODNEY R. TOMPKINS,
a Nebraska resident, and LORETA J.
TOMPKINS, a Nebraska resident,**

Defendants.

CASE NO. 8:08CV24

**ORDER
OF DISMISSAL**

This matter is before the Court on the Plaintiff's Motion to Dismiss all claims in the Complaint, with prejudice, filed on July 10, 2009. (Filing No. 50.) Defendants' counsel has communicated to the Court that the Defendants have no objection to the Plaintiff's Motion. The Court finds that the Motion should be granted.

IT IS ORDERED:

1. The Plaintiff's Motion to Dismiss (Filing No. 850) is approved, and the relief requested therein is granted;
2. The Complaint and all claims in this action are dismissed with prejudice;
3. The parties shall pay their own costs and attorneys' fees; and
4. The complete record is waived.

DATED this 13th day of July, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge